

1 Q. Okay. That's good. So when -- when did
2 you get your first job? How old were you when you
3 got your first job?

4 A. Probably 14.

5 Q. 14, so you've been working for a long time,
6 more than the average kid.

7 A. Yeah, I mean, I started with my dad and
8 then I went to First Assembly of God and worked
9 there for a while. And then --

10 Q. At 14?

11 A. Well, I was with my dad when I was 14.

12 Q. So you worked with your dad at his
13 practice? Did he have a practice?

14 A. Uh-huh. Yeah, I like cleaned the office
15 and filed papers.

16 Q. Oh, okay. Well, that's cool. That must be
17 nice to have like -- be able to have a job.

18 A. Yeah, scrubbing toilets for your dad when
19 you're 14. I mean, he paid me so I guess it's
20 better than most people, but --

21 Q. Yeah, getting paid is good. And then after
22 you did that, did you -- what did you do after that
23 as far as your job? After the age of 14, what --
24 what was your next job?

25 A. Oh, I worked at First Assembly of God.

1 Q. Is that here?

2 A. Yeah. Yeah.

3 Q. Where is that off of?

4 A. Valley. It might have closed by now. I
5 mean, they've had various problems. But I was a
6 janitor and I helped them with the sound board
7 and --

8 Q. Oh, okay. Okay. For like all -- okay.

9 A. Yeah, and then after that I think I was --
10 I think it was a car wash.

11 Q. Yeah.

12 A. I think that's what they called it back
13 then, Squeegie's or something.

14 Q. Oh, okay. And so how old were you when you
15 did the janitor at First Assembly?

16 A. Probably 15, 16.

17 Q. Oh, okay. And then about probably --

18 A. 17. I -- I was between -- no, actually --
19 no, the car wash, God, I can't even remember. This
20 was so many years ago. I think I -- maybe the car
21 wash was after I went to Flagstaff because I went to
22 college in Flagstaff for a semester.

23 Q. Oh, okay. For college. Where did you go
24 to high school? Where did you graduate?

25 A. Mesilla Valley Christian.

1 Q. Oh, okay. Cool. Did you like it or no?

2 It was all right?

3 A. It was better than public school, I guess.

4 Q. Yeah.

5 A. You know, I mean it has ups and downs. I
6 mean, I didn't really care personally.

7 Q. Yeah. Were you in sports or anything like
8 that or were you --

9 A. Yeah, I was a four-year varsity golfer
10 actually.

11 Q. Oh, that's cool. So you're a good golfer.
12 That's good. And then you went to college where?

13 A. I went to NAU and then I dropped out and
14 then I came here and --

15 Q. You went to NMSU?

16 A. Yeah, I dropped out like 14 times though.

17 Q. So you --

18 A. Like I'm a college -- I'm an official
19 college dropout.

20 Q. AU and then --

21 A. NAU, yeah, Northern Arizona.

22 Q. NAU and then NMSU. And what did you major
23 in when get to -- when you were there?

24 A. Oh, God, I bounced around public health,
25 social work work kind of --

1 Q. Stuff like that. What was your interests?
2 Would you rather do medicine or would you rather --
3 rather do like -- like social work or --

4 A. I enjoy counseling but I also enjoyed the
5 public health aspects.

6 Q. The --

7 A. Public health is more like policy.

8 Q. Yeah.

9 A. Like no smoking in restaurants, things like
10 that.

11 Q. Okay.

12 A. That's public health.

13 Q. All right. That sounds good. And then so
14 you went to NMSU here. What did you do when you
15 were in Arizona as far as job-wise or you just went
16 to school and got grants and loans and all that?

17 A. Well, at first my parents paid and then
18 when I dropped out I got some loans and was paying
19 those back. But --

20 Q. Yeah. And then NMSU, did you work --

21 A. Oh, no, NAU my parents paid for. And I --
22 I did work. I worked at a computer lab up there.

23 Q. Oh, on campus?

24 A. Yeah.

25 Q. Okay. And then here did you work during

1 college years?

2 A. Yeah, I worked at NMSU fire for a little
3 while.

4 Q. Oh, okay. That's cool.

5 A. Where else? I worked at some call center.
6 That was terrible. I quit that pretty quickly.

7 Q. I see those around here a lot, like Sitel
8 and Excel and --

9 A. Yeah, there -- there were older ones that
10 have failed and moved on or whatever, but yeah.

11 Q. I don't want to be calling people and
12 getting told off every five minutes.

13 A. Well, this was like raising money for the
14 republican national committee so you could imagine.

15 Q. Yeah, click. Okay. And then so NM -- when
16 did you stop going to NMSU? I know you dropped out,
17 but I mean when did you stop?

18 A. In 2003.

19 Q. Okay.

20 A. Maybe 2004, I don't know.

21 Q. Okay. And then after you stopped the whole
22 NMSU, what did you do now -- after that?

23 A. I was working with my dad actually. I just
24 worked with him.

25 Q. Just continued to work with him.

1 A. And then I built a company with Travis,
2 God --

3 Q. How did you meet Travis? I -- I hear about
4 Travis. I don't know much about him though, but --

5 A. On the 6th of May about five years ago we
6 met at a party.

7 Q. Just at like a hangout?

8 A. Well, it was this guy that has a party
9 called like a 6th de Mayo party. Yeah, just --

10 Q. Oh.

11 A. -- kind of his -- his way of making fun at
12 Cinco de Mayo, I guess.

13 Q. Got it.

14 A. So I met him randomly, but he -- he worked
15 with my brother years and years ago --

16 Q. Oh, okay.

17 A. -- as a waiter. Like when he was a
18 freshman in college my brother was in grad school
19 and --

20 Q. Okay.

21 A. -- so they met and became friends on some
22 level.

23 Q. All right.

24 A. And that's how I met him, so --

25 Q. That's cool.

1 LT T: Who are you talking about?

2 LT S: I just seen like his job history and
3 how he knew Travis and just a bunch of things.

4 LT T: Oh, okay.

5 EXAMINATION

6 BY LT T:

7 Q. I saw on your Facebook friends Emily Boberg
8 was a friend of yours.

9 A. She is.

10 Q. Yeah, her brother is Derek, right?

11 A. Derek?

12 Q. I think she has a brother named Derek who
13 has also been arrested for this same thing.

14 A. No. She has a brother named James and a
15 brother named Owen.

16 Q. Oh, okay. Maybe it's a different --

17 A. I'm sure they have not been arrested for --

18 Q. I could have sworn his sister's name was
19 Emily. I thought that was ironic that --

20 A. If there's another Boberg I'll be
21 impressed.

22 Q. Yeah, I know. They -- they -- they've got
23 to be related in some way.

24 A. Maybe. I -- geez, I don't know. I mean,
25 her dad is a professor at NMSU.

1 Q. Okay.

2 LT T: Well, are -- are you done with your
3 questions?

4 LT S: Uh-huh. That's fine.

5 Q. (By Lieutenant T) Bottom line is I am very
6 concerned about your ability to interact in the
7 community safely, that kids are safe around you. I
8 am concerned. And that is because if you could
9 control this you wouldn't be looking at it, right?
10 So I'm concerned about your ability to control the
11 temptation that you have when you're around the kids
12 all the time. You know, the boys --

13 A. And I'm not really around them all the
14 time, but --

15 Q. How often are you around the -- the
16 coaching? What is your coaching schedule?

17 A. January through March.

18 Q. Okay. So you're not actively in season.

19 A. And it's like two hours a day.

20 Q. But you are getting ready to have a camp,
21 right?

22 A. Yeah, with Mayfield.

23 Q. Uh-huh, second through eighth grade kids?

24 A. Yeah, it's the 29th through -- I don't
25 know, it's a fundraiser, the 31st.

1 Q. Uh-huh. Uh-huh.

2 A. And then there's like 40 of us that are
3 coaching.

4 Q. So I am concerned about you being in that
5 environment. I -- I truly am concerned about
6 whether or not you're able to do that. Because like
7 I said, I think if you could control this addiction
8 you would not be looking at it. So I am concerned
9 about whether or not it's -- it's fallen off and --
10 or whether there have been times in the past where
11 you have slipped and gotten too close to a kid or
12 done things that you shouldn't have done.

13 I would like for you -- to ask you to take
14 the polygraph like -- Officer Montoya is ready to
15 take you in the next room so that we can alleviate
16 those concerns. That is up to you right now.

17 A. Okay. Well, I mean, could you answer some
18 questions for me?

19 Q. Sure. I'd be glad to. (Inaudible) you.

20 A. So assume I take the polygraph and I pass
21 it.

22 Q. Uh-huh.

23 A. Which I'm pretty confident I will.

24 Q. Uh-huh.

25 A. What's going to happen? I -- you know, am

1 I going to be sitting here all night and week and --

2 Q. No. Certainly not in this room. Okay.

3 This is what -- this is what's going to happen right
4 now is that you -- you are charged with the simple
5 \$350 traffic ticket that I guess you didn't take
6 care of, you failed to appear on. So there's that
7 warrant.

8 They're doing the search warrant now.

9 They'll let me know what they find. I don't know
10 whether or not there'll be additional charges for
11 what they find. I'm just -- that's why I stepped
12 out to talk to them, see where they're at. Our
13 photographer showed up late so they got a bit of --
14 I guess the power went out and his alarm didn't go
15 off this morning, so we got a little bit of a late
16 start because of delay in waiting for the
17 photographer to come in.

18 And then they're just starting to look at
19 the computers and see what they find and -- and look
20 in the residence and see what's there. In a little
21 while I'll have an idea of whether or not I'm going
22 to be adding any charges. Not having this -- let's
23 say there are charges that come out. Let's say I'm
24 going to charge you with -- I'm certainly not going
25 to charge you with every fricking picture you have

1 on your -- in your storage database. That's --
2 that's just ridiculous. So let's say I charge you
3 with five pictures, okay. I have to talk to the
4 judge and ask for a bond. I can ask the bond --
5 possession of a child porn images is a fourth degree
6 felony. Okay. It's a \$5,000 bond with one charge,
7 and they generally will group them so it would just
8 be that one.

9 A. Uh-huh.

10 Q. But I'm going to talk to the judge and I'm
11 going to say, you know what, that -- that bond is
12 appropriate. He passed a polygraph because -- and
13 so I'm not concerned about his interaction in the
14 community, his threat to the community, it's low.
15 And we've removed his computers. We've, you know --
16 so he no longer has access.

17 Or I can say, I don't know, he hasn't take
18 the polygraph and let the judge make his -- make his
19 decision. Say this is what my opinion is, I am
20 concerned, and then he'll decide. I can't make
21 promises that your bond would stay the same or not.
22 I'm not trying to convince you any way, like -- or
23 persuade you if you take this and you'll get a lower
24 bond by any means.

25 But those -- those are the case -- that's

1 the two scenarios of what I will be saying, which is
2 just reading exactly what happened. Either you take
3 the polygraph or you don't. And so the judge will
4 then make their decision all on their own on what
5 they feel is -- is --

6 A. Will I go before the judge or --

7 Q. No, not -- not today. You will be
8 arraigned tomorrow.

9 A. Oh, okay.

10 Q. Usually it's at 1:30 is when they do the
11 arraignment. But I -- I don't know exactly what
12 your charges will be. If it turns out we have home
13 movies you made of molesting a kid then --

14 A. I -- I know you won't.

15 Q. -- your charge is going to be a lot worse.

16 A. Yeah.

17 Q. So I can't say for sure what you're going
18 to be charged with because I don't know what -- what
19 they're finding there.

20 A. Yeah, I know you won't.

21 Q. But all -- but all I can say is that you
22 taking the polygraph does help us assess and relay
23 to others whether or not there's a problem. If it
24 turns out that something has happened, Erik, then --
25 then we can deal with it. You know, if 10 years ago

1 you got involved in a relationship with a kid that
2 was too young then we can talk about that. But it
3 takes up front communication. And -- and if you're
4 covering up stuff that comes up shady then it's --
5 it doesn't look so great when you come back --

6 A. Right.

7 Q. -- and explain after.

8 A. I don't like to believe I'm covering
9 anything up right now.

10 Q. Right, right. No, no, no. At this point
11 it doesn't seem so. But if there has been some
12 physical contact between you and a kid some time
13 before then let's just talk about it and get it on
14 the table and go from there.

15 A. Okay. So what does a polygraph -- I mean,
16 can I get a cup of water if I take a polygraph?

17 Q. Oh, yes, but you can have a cup of water
18 even -- even if you don't want the polygraph.

19 A. I'm back to that dry mouth.

20 Q. Okay. Okay. So -- so it's not like a
21 reward for taking the polygraph. You can have a cup
22 of water either way whether you decide to take it or
23 not.

24 A. I know. I -- I was really just kidding.

25 Q. Yeah, I know.

1 A. I can't imagine you would deny someone
2 water.

3 Q. I know, but sometimes stuff -- no, of
4 course not. We wouldn't do that. Water and
5 bathroom is the two things we can give you for sure.

6 A. I'm sure the bathroom is -- is one thing
7 you don't want to mess with, so --

8 Q. Either way, it is going to take a couple
9 hours for us to -- for -- to be ready to go -- or
10 have a decision, have paperwork done. But it's not
11 going to be all day. If we wound up keeping you a
12 long time, you know, we'll feed you and -- but then
13 you'll get -- you'll ultimately get transported to
14 the county detention center where you'll be able to
15 bond out.

16 A. And how do I do that?

17 Q. Well, there's a list of bails bondsmen
18 on -- on -- right by the pay phone at the jail. You
19 get a free phone call to be able to contact them or
20 you can contact -- you get a phone call to call
21 whoever you want to have them arrange to make your
22 bond.

23 A. But if I call the bail bondsman or
24 something they like come and help us out or --

25 Q. Yeah, they --

1 A. I -- I -- I just -- I don't know the
2 process. I'm sorry.

3 Q. Generally the way it works, like if you
4 have a surety bond of \$5,000, which is a standard
5 for a fourth degree felony, you would pay 10 percent
6 and the bondsman covers the rest. You'd get out --
7 you pay the bonds 500 bucks is generally how it --

8 A. How do you pay a bondsman 500 bucks when
9 you're in jail?

10 Q. They'll -- they'll explain it all to you.

11 A. Okay.

12 Q. I don't know. I haven't been on that side
13 of the bars, so --

14 A. Nor have I, so --

15 Q. Right, right. But they'll guide you
16 through the steps of how it works and -- and it's
17 not all that complicated.

18 A. Uh-huh.

19 LT S: Yeah, they'll -- they'll pretty much
20 fork out the money for you and then you give them
21 the money, and that's how it works. I mean, fill
22 out paperwork, say, yeah, this is --

23 MR. KHAN: Oh, and then like when I get out
24 you give them money-type thing or --

25 LT T: Uh-huh.

1 MR. KHAN: Oh.

2 LT S: Yeah, so, I mean, you'll be able to
3 get the money, give it to them, and then they also
4 get the money and give it to whoever they need to
5 give it to --

6 MR. KHAN: Sure.

7 LT S: -- so they can release you.

8 MR. KHAN: Sure. Sure.

9 LT S: It's real simple, yeah.

10 MR. KHAN: Okay.

11 Q. (By Lieutenant T) And when you're released
12 on bond you're not allowed to have firearms.

13 A. Okay.

14 Q. I don't know if you have a friend or a
15 family member you could call to take those firearms
16 for you and so they're out of the house. You can't
17 have them in your house.

18 A. Okay. I didn't know if you guys seized
19 them or what.

20 Q. No. They're not on our search warrant.
21 Firearms are not part of what we're looking for.

22 A. Oh, okay.

23 Q. Or relate to this. We can put them in
24 safekeeping if you would like, because your house is
25 going to be locked up and left -- we can put it --

1 A. You're going to lock it? I don't have a
2 key?

3 Q. Oh, no, no, no. We'll get a key. We'll
4 get a key then. Where are your keys?

5 A. I don't lock the door.

6 Q. Oh, you never lock the door?

7 A. No, I haven't locked the door in three
8 years.

9 Q. With all those guns and your computers, you
10 don't lock your door?

11 A. I mean, if you think about it, if somebody
12 wants to get in they're going to get in. There are
13 windows.

14 Q. Yeah, that's true.

15 A. Right?

16 Q. Do you lock your cars?

17 A. Yeah, I lock those.

18 Q. I asked you earlier -- so I mentioned the
19 cars. Do you have anything in your cars that would
20 contain child porn?

21 A. No.

22 Q. No thumb drives?

23 A. No.

24 Q. Do you have any thumb drives?

25 A. I don't think so.

1 Q. You know what they are, right?

2 A. Yeah, I know exactly what they are. But,
3 no, I -- I -- I mean, I've had them at work, I mean,
4 but I -- it's -- I'm not very good at keeping
5 things, so -- especially small things.

6 Q. Okay. So the only external drives that you
7 have are the two --

8 A. Could we get more water, please? I --

9 Q. Yeah. The only external drives you have
10 are the two on your --

11 A. No. There's probably some like in a bucket
12 that are old and --

13 Q. Okay. Okay. What would -- on a scale of 1
14 to 10, what would you rate your level of computer
15 expertise?

16 A. An 8.

17 Q. So you're pretty computer illiterate?

18 A. I would say literate, not illiterate.

19 Q. Or savvy.

20 A. Yeah.

21 Q. Savvy, computer savvy?

22 A. Yeah.

23 Q. Okay.

24 A. Oh, yeah. I could put together a computer
25 network.

1 Q. Do you have any scrubbing or wiping
2 computer -- software on your computers?

3 A. No, I don't.

4 Q. Have you ever done that?

5 A. No.

6 Q. Okay. All right. Let's get you -- walk
7 you to the water fountain real quick. I'll see if I
8 can find a cup somewhere.

9 So you want to go ahead and do that
10 polygraph, or what are you deciding?

11 A. Sure.

12 Q. Okay.

13 OFFICER MONTTOYA: Let me go get my stuff
14 (inaudible).

15 MR. KHAN: Oh, okay.

16 OFFICER MONTTOYA: Yeah, I can't obviously
17 do it because then it seems like I'm trying to force
18 you to do it, so I'll be right back.

19 Q. (By Lieutenant T) I do want to make sure
20 you understand that, you know, there are no promises
21 or concessions to be made or anything like that
22 in --

23 A. I -- I just -- I just -- I mean --

24 Q. It's just what picture do you want painted
25 for yourself? Do you want to paint the clearest

1 picture and -- and for people to know the confidence
2 that you haven't offended on any child or --

3 A. No. I mean, I'm -- I'm -- I'm with you on
4 that.

5 Q. Uh-huh.

6 A. I -- I'm cool with that.

7 Q. Okay.

8 A. I -- no, I just don't want to be in jail
9 all night. I mean, if we're going to --

10 Q. Right. Right. No, you'll be -- you'll --

11 A. I mean, I -- I -- I'll be a willing
12 participant of your system, but --

13 Q. Yeah, you'll get the opportunity to bond
14 out regardless. You'll be able to -- to bond out.

15 A. You don't think it's going to be like a
16 \$400,000 bond or anything like that, do you?

17 Q. 4 million is probably -- no, I'm just
18 kidding. I'm just kidding.

19 A. You're just mean.

20 Q. I'm just kidding. I'm sorry. I mean, in
21 law enforcement we tend to develop a pretty black
22 sense of humor.

23 A. I -- look, I -- we're not --

24 Q. The medical profession is the same, right?

25 A. No. I mean, that is -- it's pretty -- it's

1 just raunchy in the medical career.

2 Q. Yeah.

3 A. But black sense of humor, when I worked
4 with juvenile sex offenders --

5 Q. (Inaudible).

6 A. -- we had a very dark sense of humor.

7 Q. Uh-huh.

8 A. Kind of had to. I mean, the stuff I
9 heard --

10 Q. Yeah, it's kind of a coping mechanism.

11 A. No. No, it's not a coping mechanism --

12 Q. No?

13 A. -- when you hear these things. No, it's --
14 I worked with kids who had attractions to us.

15 Q. Okay.

16 A. Who would -- I mean, we're talking about
17 the most master manipulators on this earth. One of
18 the kids I worked with had molested 42 kids.

19 Q. Wow. And how old is he?

20 A. 12.

21 Q. Wow.

22 A. It's actually the most common age of sex
23 offenses.

24 Q. Uh-huh.

25 A. And --

1 Q. Well, you said you were in high school when
2 you started developing this attraction toward kids.

3 A. Well, you know, I mean, it wasn't --

4 Q. How did that -- and if you've got kids
5 coming onto you --

6 A. I -- I was very easily able to say, no,
7 there's no way. I mean, for a multitude of reasons.
8 Number one, these kids were -- they were on
9 probation, parole. They -- I mean, we had probation
10 officers. I think there was a probation officer
11 sitting next to me actually.

12 Q. Uh-huh.

13 A. It wasn't his.

14 Q. What city was that?

15 A. That was in Mesa.

16 Q. Oh, okay.

17 A. It used to be called Prehab of Arizona.
18 Now it's -- God, I forget their new name. Green
19 Tree Learning. I -- I forget.

20 Q. Uh-huh.

21 A. But they were on residential treatment
22 facilities. They have for years. You know, but
23 things like that.

24 Q. Uh-huh.

25 A. I mean, there was zero sexual attraction to

1 that. I mean, this kid asked me my Social Security
2 number the day I met him. I thought he was going to
3 like steal my identity. You know, it's --

4 Q. Uh-huh.

5 A. You know, it's -- but those were the kinds
6 of kids we worked with.

7 Q. Uh-huh.

8 A. And when I mean work with them, we had to
9 deal with their daily stuff. We had to talk to them
10 about their problems and, you know, when issues
11 would come up. I actually caught a kid molesting
12 another kid in our -- in the residence.

13 Q. Really?

14 A. Yeah. Oh, yeah. He was arrested that day,
15 but I, you know --

16 Q. Uh-huh. Were they the same age?

17 A. A couple years apart.

18 Q. Uh-huh.

19 A. It would have been consensual if the other
20 one was awake. I know that much.

21 Q. Oh, no. Yeah, then that's pretty easy to
22 determine that it's not.

23 A. Yeah, it's -- but he wasn't awake so, you
24 know, it's --

25 Q. Do you have any other fetishes?

1 A. I don't -- I don't think so.

2 Q. Well, generally that shows up in what
3 the -- the -- the files that you have, we'll notice
4 like there's a lot of food involved or, you know,
5 people have different fetishes like fet foot -- foot
6 fetish or food fetish or, you know, different things
7 like that.

8 A. Like food and --

9 Q. Sex.

10 A. -- and porn? No.

11 Q. You don't have anything?

12 A. No, no, no. That's -- I know -- I -- I
13 actually know a kid who was abused with cereal.

14 Q. Really?

15 A. And after night --

16 Q. How do you get abused with cereal?

17 A. When your dad takes your head and shoves
18 your face in the bowl daily.

19 Q. Oh, physical abuse.

20 A. Yeah, he was also sexually abused.

21 Q. Uh-huh.

22 A. But the kid wouldn't eat cereal. And one
23 day he decided he would eat cereal.

24 Q. Uh-huh.

25 A. And when the decision came up all we had

1 were Grape Nuts. I felt really bad for the kid,
2 but --

3 EXAMINATION

4 BY LT S:

5 Q. Really?

6 A. Yeah.

7 Q. So the place you worked in Arizona, it --
8 was it -- is it a good place?

9 A. Oh, yeah, yeah, yeah. No, it's --

10 Q. I mean, are they -- you know, because like
11 some of them here, they just -- they're -- like they
12 don't even (inaudible) them.

13 A. Well, first of all --

14 Q. They just like place them there and they're
15 like, yeah, that's it.

16 A. Yeah, no, no, no. We actually had a very
17 low recidivism rate.

18 Q. Oh, that's good.

19 A. Extremely -- we're talking like less than 3
20 percent.

21 Q. Is it a big facility or --

22 A. The one I was at was 22.

23 Q. 22 people?

24 A. Yeah, 22 kids between 12 and 17.

25 Q. Like it holds --

1 A. Mostly 12 to 14. And then another place I
2 worked at, that was the older kids really, but --
3 and then we had a violent home, like where kids
4 were -- they didn't have sex problems. They were
5 really violent.

6 Q. Oh, (inaudible) kids.

7 A. Like we had a kid who dumped hot oil on his
8 mom's face.

9 Q. Wow.

10 A. Yeah.

11 Q. Yeah, we don't want to work there.

12 A. And I came to find his problem was he was
13 wetting his bed.

14 Q. That he was just wetting his bed?

15 A. I basically cured his kid by figuring out
16 he was wetting his bed.

17 Q. Oh, wow, that's weird. So what was his
18 thing about his mom? Why did he want to hurt her so
19 bad?

20 A. I -- I think she brought it up and he was
21 embarrassed by it.

22 Q. Oh.

23 A. Like dramatically embarrassed.

24 Q. Oh, like really mad.

25 A. I mean, when I brought it up, I mean, I

1 thought he was going to kill me, so --

2 Q. Oh, okay.

3 A. -- I just happened to be a lot bigger than
4 his mother. But, no, I -- it's -- yeah, absolutely,
5 it was a good place.

6 Q. Yeah.

7 A. I -- I don't know how it is anymore, but --

8 Q. Because you said it -- what did it used to
9 be called?

10 A. Prehab.

11 Q. Prehab. But it's not that anymore?

12 A. It standed for prevention and
13 rehabilitation.

14 Q. Prehab?

15 A. Yeah.

16 Q. But it's not that anymore?

17 A. No.

18 Q. It's -- so did they come under new
19 ownership or what?

20 A. No. I think they just changed their name.

21 Q. Oh.

22 A. They're -- they're a non-profit, so
23 ownership is relative.

24 Q. Oh, okay.

25 A. They're -- they get a lot of funding from

1 the DOJ and from the state.

2 Q. Oh, okay.

3 A. Medicaid, things like that.

4 Q. That's good. And now it's like you said
5 Green Tree or something?

6 A. I -- I forget. Yes, it's definitely not
7 Green Tree, but I just can't remember the name.
8 Turning Leaf maybe.

9 Q. And that's in Mesa where you were?

10 A. Uh-huh.

11 Q. That's good. Do they pay good?

12 A. No.

13 Q. No, not at all?

14 A. 22,000 a year to do that work.

15 Q. Wow, that's --

16 A. They don't even pay overtime. Are you
17 kidding me?

18 Q. Really?

19 A. We got overtime and we got like vacation
20 time in lieu of overtime, which I know isn't really
21 legal, but --

22 Q. Yeah.

23 A. -- we didn't really care. It wasn't that
24 much money so you kind of just went with it.

25 Q. Yeah, that's true. And this was when you

1 were like in your early --

2 A. 20s.

3 Q. -- 20s, right? Because you were going
4 to --

5 A. Yeah, 22.

6 Q. Were you going to college then, the --

7 A. I went to Mesa Community College for a
8 little while while I was there.

9 Q. Okay. And you worked there for a couple of
10 years?

11 A. The -- yeah, it was a year and a half.

12 Q. A year and a half.

13 A. It was while I was there all this went down
14 with my family and I left there to move home.

15 Q. Oh, okay. All right. That makes sense.
16 And you moved home with your parents or you got your
17 own place?

18 A. No. I moved home with them and then very
19 quickly I got my own place because that was --

20 Q. Yeah, it's usually hard to go back and live
21 under your parents' rules.

22 A. It was -- it was tough. It was like three
23 weeks and I was like I'm out of here. I can't, I
24 can't.

25 Q. Oh, no.

1 A. You know --

2 Q. Yeah.

3 A. And then I went back to school again and --
4 you know, and --

5 Q. Yeah, NMSU though, right, this time?

6 A. Uh-huh.

7 Q. Okay. And then -- so you were -- you did
8 the -- you helped with your dad's practice and then
9 you went to Arizona and you helped -- you did the --
10 the therapy or whatever that you guys did over there
11 and then you came back over here and went to NMSU.
12 And then what did you do here? Go back to your
13 dad's practice?

14 A. Oh, that's -- that's when I -- that's when
15 all that went down with embezzlement with my dad's
16 practice.

17 Q. Oh, so then at that point you started
18 helping him out?

19 A. That's kind of why I dropped out because I
20 was working so damn much at his place I didn't have
21 really any time to go to school --

22 Q. Oh.

23 A. -- and try to fix all that. And I also was
24 scrubbing in surgery with him and --

25 Q. Oh, okay. That's cool. Yeah, that's

1 really cool. And then so when did you get involved
2 with the -- the Girls and Boys Club or whatever they
3 call it? I don't know what that is. What is that?

4 A. Oh, Big Brothers and Big Sisters?

5 Q. Yeah, what is that? I'm not from around
6 here so I don't really know.

7 A. Oh, it's a mentorship program.

8 Q. Oh, a mentor -- okay. Was that when you
9 came back or was that --

10 A. I did it in Arizona too.

11 Q. In Arizona?

12 A. Yeah.

13 Q. Is it a good program or --

14 A. Oh, absolutely. It matches a kid with an
15 adult.

16 Q. Like --

17 A. Like (inaudible) a guy or a girl or
18 whatever, but --

19 Q. -- like an adopted kid or like --

20 A. No, I mean, it used to be kids who don't
21 have a specific parent in their house, like a kid
22 who doesn't have a dad or a kid who doesn't have a
23 mom.

24 Q. Oh.

25 A. Things like that.

1 Q. Okay.

2 A. I think the only --

3 Q. So you like go pretty much hang out with
4 them and like -- like be their big brother type
5 of --

6 A. Yeah, like take them bowling and --

7 Q. Okay.

8 A. -- play basketball and --

9 Q. Okay.

10 A. -- things like that.

11 Q. Oh.

12 A. You know, it's --

13 Q. That's not bad.

14 A. I took Zach camping when he was like 17.
15 You know, it's -- I helped him through high school.
16 That's the biggest thing I helped him with.

17 Q. Yeah, that's good. And he didn't have a
18 dad, or what?

19 A. He was forcibly removed from his parents'
20 care when he was six years old for --

21 Q. Oh, really?

22 A. Because I guess they had grand theft
23 charges and a lot of stuff going on.

24 Q. Oh, wow. So when did you become his
25 brother or big brother or whatever? How old was he?

1 A. When he was in eighth grade.

2 Q. Oh, okay. So you like knew him for a
3 while. So you actually were probably the one that
4 helped him get there high school then?

5 A. Oh, absolutely. I have a feeling I'm the
6 reason he's got a 4.0 and -- or a very high GPA in
7 college.

8 Q. Okay.

9 A. A full ride scholarship and --

10 Q. That's really good.

11 A. He's in Japan on a full ride on an exchange
12 program.

13 Q. Oh, really?

14 A. Uh-huh.

15 Q. Oh, wow.

16 A. He comes back in July. He's been gone all
17 year.

18 Q. And he keeps in touch with you?

19 A. Yeah. He e-mailed me last night actually.

20 Q. Like -- that's really good. And his name
21 is Zach? What's his last name, Zach --

22 A. Massey.

23 Q. Massey. That's good. I'm sure he
24 appreciates that. And what is he, like in his 20s
25 now, I guess or maybe --

1 A. I think he's 21, 22.

2 Q. Okay. Well, that's good.

3 A. Maybe 20. I -- he's in his 20s. I know
4 that much.

5 Q. And he's from Cruces?

6 A. No. He was raised in Houston for a while
7 and then his grandpa was dying and they moved here
8 with their grandmother.

9 Q. Oh. So he's not from here?

10 A. He had a lot of problems with her.

11 Q. Oh.

12 A. He lives with her still, but they have a
13 lot of problems.

14 Q. But -- and she lives here?

15 A. I guess, yeah. I don't like her very much.

16 Q. No? She's just not a very likable person,
17 I guess?

18 A. She's a raging alcoholic.

19 Q. Huh, that's always nice.

20 A. Like I've had to prevent her from driving
21 the kids home before.

22 Q. Did -- did he have brothers and sisters
23 that she had to raise?

24 A. Yeah, he's got a -- yeah, a little brother
25 and an older sister. His older sister has a kid

1 now, I guess. That's what he told me, so --

2 Q. Okay. But you were -- were you only his
3 big brother and the other ones didn't -- they're not
4 into that or what?

5 A. No, no, no. His sister had a big sister
6 and his --

7 Q. Oh, because you -- so you have --

8 A. His little brother had a big brother for a
9 while and -- yeah, it's not like you hang out with
10 all of them.

11 Q. Oh, okay.

12 A. You know, I mean, that would just be kind
13 of insane.

14 Q. So like pretty much the program just
15 focuses on like having people focus on that one
16 child so they can feel valuable, maybe.

17 A. Well, and hope -- like this kid was having
18 trouble fitting in with friends and --

19 Q. Oh.

20 A. -- so I introduced him to some family
21 friends and things like that.

22 Q. Oh, that's good.

23 A. And he made a lot of friends as a result of
24 it. He's friends with a lot of them to this day,
25 so --

1 Q. That's really good.

2 A. Yeah.

3 Q. He was the only -- he was your only little
4 brother or whatever?

5 A. No. There was one other in Phoenix. I
6 forget his name. That was a long time ago.

7 Q. But he -- was he -- did he end up not doing
8 good or what?

9 A. He did really well. He used to not shower
10 and then --

11 Q. Oh, really?

12 A. Oh, yeah, this kid --

13 Q. So he had a hygiene problem?

14 A. -- yeah, he -- he had a bad hygiene
15 problem. And his grandmother was raising him too.
16 It seems like a typical equation.

17 Q. Yeah.

18 A. But he was a really nice kid. And he
19 actually met the kids I was working with because we
20 used to take them in the community.

21 Q. In the -- in the program?

22 A. Yeah, we used to take them out in the
23 community and they'd have to like read poetry --

24 Q. Oh, okay.

25 A. -- to come out of their comfort zone. So

1 this kid would come to the coffee house and --

2 Q. Oh, okay.

3 A. Yeah, I think he was like 14 or 15 too,

4 so --

5 Q. Okay. But it seems like Zach is probably

6 the -- the one that you actually had more of an

7 influence on, I guess?

8 A. Absolutely.

9 Q. Yeah, okay. Well, that's -- that's a good

10 program. It seems like a good program. Do they

11 still have it?

12 A. Oh, yeah, it's a major national program.

13 Q. Is it major now? I don't know, I guess

14 they --

15 A. Oh, it has been for probably 50, 60 years.

16 Q. I just hear about like Girl Scouts and all

17 that stuff, but I don't hear about the Big Brother

18 or Sister thing. Well, that's good.

19 A. Yeah. Around here it's not that big,

20 but --

21 Q. It doesn't seem -- I guess not.

22 A. But it's -- I mean, on a national level

23 it's ginormous.

24 Q. That's really good. Are you into like

25 community service and stuff? Is that something that

1 you're into too?

2 A. Yeah. I mean, I volunteer to coach
3 basketball.

4 Q. That's really good.

5 A. Although I've thought about --

6 Q. Are you good at basketball?

7 A. I'm a good coach.

8 Q. Yeah?

9 A. You know, I can teach it.

10 Q. I don't know too much about basketball, but
11 I mean, it seems interesting. It's a fast paced
12 game, and I mean, it seems pretty good. I mean, are
13 you -- you're a volunteer for --

14 A. Well, I get paid at the -- the middle
15 school level.

16 Q. Oh, okay.

17 A. For eighth grade. But at the high school
18 level, because I'm just trying to get experience as
19 a high school coach.

20 Q. It's different, I guess.

21 A. It's just harder. You know what I mean?

22 Q. Like the -- just hard to --

23 A. It's more fast paced.

24 Q. And it's more competitive?

25 A. Oh, a lot more. Yeah.

1 Q. So the high school, which high school are
2 you volunteering at right now?

3 A. Mayfield.

4 Q. They have a pretty good basketball team,
5 don't they?

6 A. Not --

7 Q. Not really?

8 A. It's not the best.

9 Q. Who is the --

10 A. We're football.

11 Q. -- the coach is -- is it Maya?

12 A. Oh, he's the girl's coach.

13 Q. Oh.

14 A. Morrow.

15 Q. Morrow is the guy's coach? Morrow, I don't
16 know who Morrow is. I know Maya because aren't they
17 good, pretty good?

18 A. Oh, the girl's team is phenomenal.

19 Q. That's what I heard. That's why I know
20 about him. And then the middle school, you get paid
21 for them though?

22 A. Yeah, I get like 800 bucks or something for
23 a season is what they pay a coach.

24 Q. That's not bad. I mean, pocket change I
25 guess, right?

1 A. Usually we put it back into the program. A
2 lot of these kids don't -- can't afford shoes and
3 so --

4 Q. Oh. What -- and what -- what -- I mean,
5 where do you coach for middle school?

6 A. Picacho.

7 Q. Are they good or no?

8 A. We won a championship this year.

9 Q. Pretty good then. Eighth grade?

10 A. It just -- yeah, it just depends on every
11 year. It changes every school year.

12 Q. It depends on what kids you have that year.
13 So you don't work with the younger ones to like --
14 like -- because you know -- I'm sure like sixth,
15 seventh grade will probably end up being eighth
16 grade basketball. You don't --

17 A. Yeah, well, except for this camp I do at
18 the end of May.

19 Q. That's it. And that's from eighth to
20 ninth, right, the --

21 A. No. That camp is like second to eighth --
22 or second to eighth grade.

23 Q. Oh, second to eighth grade.

24 A. Yeah.

25 Q. Okay. And do you --

1 A. It's a three-day camp to raise money, 50
2 bucks a kid.

3 Q. Oh.

4 A. And that's so that varsity can travel.

5 Q. The varsity for --

6 A. Varsity team for Mayfield. It's so they
7 can go on the road --

8 Q. Mayfield, okay.

9 A. -- and buy food and --

10 Q. Oh.

11 A. You know, they use that money for that.

12 Q. Okay. All right. So do you see a lot of
13 your kids that you coach at that -- that camp or
14 whatever?

15 A. No.

16 Q. No. Like the guys from Picacho, you don't
17 see them?

18 A. No, because they're in eighth grade so when
19 they're going to ninth grade they're going to come
20 out for the team.

21 Q. Oh.

22 A. They're not going for a camp like that.

23 Q. Okay. Got it. All right. And so how long
24 have you been doing that as far as the coaching?
25 Like how long have you been actually --

1 A. How long have I coached?

2 Q. Yeah.

3 A. In Las Cruces, gosh, six years.

4 Q. Oh, okay. So you're -- you're probably --

5 A. But I coached in Mesa. I coached in high
6 school.

7 Q. And you're pretty good at it then, huh?

8 And the kids are all -- they all get along with you?

9 Because some -- I see some of the coaches and
10 they're not very nice with the kids.

11 A. No, you know, it's -- oh, I know what
12 you're talking about. But, no, like the first part
13 of the season is kind of the mean side and then you
14 get nicer and --

15 Q. Oh, okay. So yeah.

16 A. -- you know, I mean, you got to have both.
17 You got to eventually teach them something.

18 Q. Yeah, that's true. That's good though.
19 That's a good way of putting it. Picacho. Picacho
20 is -- is it in Cruces? Where is Picacho at? I
21 don't even know where Picacho is at.

22 A. Yeah, it's Motel and Picacho.

23 Q. Motel and Picacho. Oh, in the corner, like
24 in the corner area like --

25 A. Like behind -- well, the new Walgreens,

1 like right behind it.

2 Q. Okay. I know where that's at. And
3 that's --

4 A. Field of Dreams is behind it.

5 Q. Yeah, okay. I know exactly where you're
6 talking about. All right. But you don't do any
7 other coaching or anything for the other middle
8 schools or is Picacho just the one that you wanted
9 or did they just -- do you just -- they just set
10 people where they want to set them for schools?

11 Like how did you pick Picacho?

12 A. Oh, I applied to a couple of them. I think
13 Belen and Picacho, and there was an interview
14 process because it was in a paid position. I mean,
15 it was -- I guess they treat it a little more
16 seriously. I mean, it's 800 bucks but --

17 Q. Yeah, either way. And then so for Picacho
18 you do -- is that the January through March, is that
19 when you do that or is that the Mayfield volunteer
20 one? Like what are the seasons? I don't understand
21 what the seasons are.

22 A. Oh, no, no, Mayfield, I -- you know, since
23 I just volunteer, I mean, I guess it's November
24 through March, but -- or April or something. But
25 I -- as a volunteer I just go --

1 Q. Whenever you pretty much want?

2 A. Yeah. I mean, they're -- they have head
3 coaches and stuff. It's, you know, I mean, I show
4 up for a lot of games and things like that.

5 Q. That's good.

6 A. But Picacho is January through March, the
7 beginning of March. It's only eight weeks. It's
8 not even eight weeks.

9 Q. Oh.

10 A. Six weeks.

11 Q. Uh-huh, wow.

12 A. It's a very fast season.

13 Q. Yeah. That seems fast.

14 A. Two games a week, only two weeks to
15 prepare. It's money. You know, schools can't
16 afford it.

17 Q. Yeah, I understand that. Okay. And you
18 get along with the Mayfield coach, the basketball
19 one?

20 A. Uh-huh.

21 Q. I've never met him. I don't -- I have no
22 idea who he is. I met Maya a long time ago, and
23 he's -- he's like really good, I guess, with the
24 girls.

25 A. A great coach.

1 Q. Yeah, he seems like that. And the guys'
2 coach, is he a good coach too or is it just --

3 A. Yeah, he's all right.

4 Q. Just descent, I guess. And you guys --

5 A. A varsity coach, I mean --

6 Q. Yeah, that's good. Do you know a lot of
7 people at the schools, like at Mayfield and at
8 Picacho? Is the staff pretty cool or no?

9 A. Yeah, I mean, it's not like I interact with
10 everybody.

11 Q. Yeah.

12 A. I think they all know me more than I know
13 them.

14 Q. Yeah.

15 A. You're down on the court and they all kind
16 of notice who you are, you know.

17 Q. Yeah, they do. Yeah, that's true. Well,
18 that's good. That sounds fun to coach, I guess, if
19 you know what you're doing. But --

20 A. Yeah, if you don't know what you're doing
21 it can be --

22 Q. Pretty intense and it's going to look bad
23 on the court, I guess. Are you into any other
24 sports?

25 A. Golf. I mean, I --

1 Q. And that's it? But like you don't --

2 A. Shooting, I guess you consider that a
3 sport.

4 Q. Yeah. Do you hunt?

5 A. No, I haven't hunted.

6 Q. No?

7 A. No. I shot a bird when I was a kid. I
8 felt bad.

9 Q. You're like, yeah, that's not more me.

10 A. It was just target shooting, you know.

11 Q. Yeah, that's good. Are you a good shot?

12 A. I like to think so.

13 Q. Yeah, that's good.

14 A. I was a sharp shooter in the Marines.

15 Q. Oh, even better.

16 OFFICER MONTOYA: How are you doing, bud?

17 I've got -- this is the forms I need in order to --
18 to do that.

19 MR. KHAN: Okay. Is there any way I can
20 get a cup of water?

21 OFFICER MONTOYA: Yeah, let me get you a
22 water.

23 MR. KHAN: For like -- yeah, I'll read
24 this, but --

25 LT S: You're like, can you give me some

1 water, please?

2 And it looks like this one is just the
3 Miranda rights.

4 MR. KHAN: Miranda again.

5 LT S: Yeah, that she had already read to
6 you too, so it's a little card.

7 MR. KHAN: I know those.

8 OFFICER MONTOYA: Here you go.

9 MR. KHAN: Oh, my God, you're a lifesaver,
10 man.

11 OFFICER MONTOYA: Yeah. Basically what
12 this disclaimer states is basically --

13 MR. KHAN: I'm not going to sue you if you
14 say I lied?

15 OFFICER MONTOYA: Yeah.

16 MR. KHAN: I read it.

17 OFFICER MONTOYA: And you're doing this
18 freely, voluntarily of your own free will. There's
19 no threats, promises, or anything like that. All
20 right? Basically just so you know, it is
21 confidential between me, you, them, and the
22 detective. Okay? Those are the only people that
23 are going to get a copy of it. So I'm not going to
24 go out and tell everybody about it. It's strictly
25 confidential. I can't do that.

1 Also, do you have any questions on any --
2 any of what this form states?

3 MR. KHAN: No. No. I fully understand
4 that. I'll sign it.

5 OFFICER MONTTOYA: Okay. So just write your
6 name.

7 MR. KHAN: Sure.

8 OFFICER MONTTOYA: Date it. I need you to
9 sign right here and sign right there and then we'll
10 get going. Okay? And I haven't heard anything of
11 what the detectives have told you, but before we get
12 started if there's anything different you need to be
13 obviously honest and up front because once we go in
14 there we can't go back. So --

15 MR. KHAN: You want me to sign this
16 afterwards, the bottom one?

17 OFFICER MONTTOYA: No. Just sign it now and
18 then I'll -- yeah, sign right here.

19 MR. KHAN: Okay.

20 OFFICER MONTTOYA: And there will be a start
21 time and an end time is when it will start.

22 MR. KHAN: Okay. I was just reading it.
23 Sorry.

24 OFFICER MONTTOYA: All right, man. You
25 ready?

1 MR. KHAN: Sure.

2 OFFICER MONTROYA: Yeah, go ahead and bring
3 your water and we'll get started. All right?

4 MR. KHAN: Come out.

5 LT T: I lost my keys. Do you have my
6 keys? Where were they?

7 LT S: I -- it was -- they were right
8 there. I didn't want to --

9 [Recess taken.]

10 EXAMINATION

11 BY LT T:

12 Q. All right. Now we've gotten more farther
13 along in the search warrant. I want to ask you a
14 few questions about some of the things that we're
15 finding, like understanding adolescent with their
16 sexually assault and how to raise --

17 A. That was from work.

18 Q. -- how to raise boys.

19 A. That was all from my old job. I mean, we
20 had to do a lot of research and a lot of reading and
21 a lot of -- you're talking about that Adolescent
22 Sexuality in Contemporary America?

23 Q. Yeah, yeah, yeah, that.

24 A. That was all about the work I was doing.

25 Q. Okay.

1 A. A lot of that has to do -- you're -- I
2 mean, the kids I was working with were all
3 adolescents.

4 Q. Uh-huh.

5 A. So learning about therapy and learning
6 about growth and development.

7 Q. Uh-huh.

8 A. And then when I went back to college I did
9 some social work work.

10 Q. Uh-huh.

11 A. And that included that.

12 Q. Do you have a degree in anything?

13 A. No, I dropped out to help my dad with his
14 business.

15 Q. Okay. Well, I noticed that just like even
16 the pictures on the wall, your Norman Rockwells are
17 of an adult male and a little boy. There's --
18 every -- anything in there just seems to be that. I
19 guess that's just what you're drawn to.

20 A. I mean, it was like Norman Rockwell. I
21 mean, most of his stuff is like that.

22 Q. Well, in this content it kind of -- context
23 it kind of changes things.

24 A. I -- I -- I realize what you're saying, but
25 it's --

1 Q. Yeah.

2 A. I mean, hundreds of people have been to my
3 house.

4 Q. Uh-huh. Oh, yeah, no, it's not something
5 that would overtly make someone think, oh, this is
6 weird. But just in the context of the whole --

7 A. Right. I mean, I also have a Scarface
8 poster up and, I mean, I'm not going to go and mow
9 somebody over.

10 Q. Uh-huh. Yeah. Well, you certainly could
11 because you definitely have enough --

12 A. I was a sharp shooter in the Marine Corps.

13 Q. -- fire --

14 A. I enjoy shooting.

15 Q. Uh-huh.

16 A. You know, I live in a state that allows me
17 to, so --

18 Q. Right, you do. And do you drive around
19 with a gun in the car with you?

20 A. Sometimes.

21 Q. Right. We saw the holsters and the
22 ammunition that are in the car and that --

23 A. Well, if I go to the range or I go to
24 the -- you know, I mean, I go to the range a lot.

25 Q. And it's in the Crown Victoria too?

1 A. Well, there might have been some bullets
2 from the range in Phoenix.

3 Q. Oh, okay.

4 A. My -- my buddy seriously just brought that
5 car down last week to -- because I moved out of --

6 Q. Which buddy?

7 A. Travis.

8 Q. Travis brought that to you last week?

9 A. Yeah, because I -- I was -- you know, I
10 used to go to Phoenix every other week.

11 Q. Uh-huh.

12 A. Literally.

13 Q. Uh-huh.

14 A. From Monday to Friday -- Monday through
15 Sunday for work. And, well, one of our clients, we
16 don't work with him anymore, so I got rid of the
17 apartment. Well, May 31st it's -- getting rid of
18 it.

19 Q. Uh-huh.

20 A. I haven't been there in a couple weeks.
21 So -- so I flew home because I had to get back and
22 he was coming here anyway, so he said, "Well, I'll
23 just bring your car."

24 Q. Uh-huh.

25 A. So, okay, cool, you know.

1 Q. Uh-huh.

2 A. And it's -- I mean, it's really not a car I
3 need. It just -- I can't just leave it sitting in a
4 parking lot or otherwise I'll have problems with
5 that.

6 Q. Yeah.

7 A. So --

8 Q. Yeah, for sure. Well, we did find all of
9 the computers and stuff that you talked about.
10 There's a lot of computers and the -- the two
11 external hard drives that were there. Everybody is
12 pretty much just the way that you said it there --
13 said it was. I just was concerned about those books
14 that --

15 A. I mean, yeah, it's -- it's really -- that
16 was all re -- I mean, it's not something I like read
17 on a regular basis or anything.

18 Q. Do you have keys to the school?

19 A. No.

20 Q. The -- the -- either Picacho or Mayfield?

21 A. No, no, no, no.

22 Q. You don't keep any keys?

23 A. No.

24 Q. Okay. All right. Because we had to let
25 them know, so they're security is aware of that and

1 they asked us to ask you if you had keys to the
2 school.

3 A. I don't. I've never been issued keys.

4 Q. Okay. That's about all the questions I
5 have. So everything went well with the polygraph.
6 That's good.

7 THE WITNESS: I don't know. We had
8 movement problems, so --

9 OFFICER MONTTOYA: Yeah, I had to -- it
10 took longer than normal just because -- I mean, the
11 severity of it, you know, having to prep you for it
12 and having to talk about your -- your experience and
13 everything that you were involved with as a child.
14 And, you know, I have to include all of that and
15 factor all that in because it's not fair to you to
16 just put you on it without knowing all of that. So
17 we had to have an in-depth discussion about --

18 Q. (By Lieutenant T) Did you have that -- you
19 were molested. When you were molested, was it full
20 intercourse?

21 Okay. Aside from that, have you ever had
22 intercourse with another man?

23 A. No. A friend of mine forcibly kissed me
24 once, but that was at a work thing. It was more of
25 a joke.

1 Q. Okay.

2 A. I was pretty pissed about it. But, I mean,
3 beyond that no.

4 Q. Okay. There's never been any sexual
5 contact between you --

6 A. No.

7 Q. -- and any other male, adult male?

8 A. No, never.

9 Q. Okay. All right.

10 LT T: I don't think I have any other
11 questions.

12 OFFICER MONTROYA: Okay.

13 LT T: Do you need to change your --

14 THE WITNESS: I'm just curious, I mean, you
15 said you were going to be talking to a judge. So
16 you don't seem like the kind of person who lies to
17 people, so --

18 [The recording concludes.]

19

20

21

22

23

24

25

1 In Re:
2 US vs. Khan, May 9, 2012

3
4
5 C E R T I F I C A T E

6
7
8 I, Lisa Reinicke, New Mexico Certified
9 Stenotranscriptionist, DO HEREBY CERTIFY that the
10 above captioned transcription was prepared by me;
11 that the RECORDING was reduced to typewritten
12 transcript by me; that I listened to the entire
13 RECORDING; that the foregoing transcript is a
14 complete record of all material included thereon,
15 and that the foregoing pages are a true and correct
16 transcription of the recorded proceedings, to the
17 best of my knowledge and hearing ability. The
18 recording was of GOOD quality.

19
20 I FURTHER CERTIFY that I am neither employed
21 by nor related to nor contracted with (unless
22 excepted by the rules) any of the parties or
23 attorneys in this matter, and that I have no
24 interest whatsoever in the final disposition of this
25 matter.

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

22 Lisa Reinicke,
23 Certified Stenotranscriptionist